S T A T E O F N E W Y O R K

5735

2009-2010 Regular Sessions

I N S E N A T E

June 2, 2009

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to authorize the town of Austerlitz, in the county of Columbia, to discontinue the use of certain lands as parklands

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subject to the provisions of this act, the town of Austerlitz, in the county of Columbia, acting by and through its town board, is hereby authorized to discontinue as parklands and alienate, sell and convey the lands described in section three of this act for the purpose of constructing a firehouse, and in exchange therefor, dedicate as parklands the lands described in section four of this act, such land to be used for park purposes.

S 2. The authorization contained in section one of this act shall take effect only upon the condition that the town of Austerlitz dedicate additional parklands as described in section four of this act of equal or greater fair market value than the value of the property being alienated by this act.

S 3. The lands authorized by section one of this act to be discontinued as parklands are as follows:

Beginning at an iron pipe recovered on the westerly side of New York State Route 22, said iron pipe recovered is the northeasterly corner of lands now or formerly of Austerlitz Lutheran Church and is the southeasterly corner of the herein described parcel, all as shown on the below mentioned map; thence along lands now or formerly of Austerlitz Lutheran Church S89°25'00"W 200.00 feet to an iron rod recovered; thence along lands of 49 East Houston Street Corporation (Parcel 4) S89°25'00"W 37.13 feet; thence along lands of The Town of Austerlitz (Parcel 3) and along the center of a brook N03°53'06"E 44.43 feet, N28°18'12"W 29.88 feet, N27°51'12"E 44.20 feet, N08°58'35"E 80.24 feet and N05°44'01"E 53.34 feet; thence along lands of Fire District No. 1 (Parcel 1)

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S80°51'00"E 138.32 feet and N12°15'00"E 203.27 feet; thence along the southerly side of West Hill Road S85°13'00"E 102.00 feet and S29°39'00"E 40.06 feet; thence along the westerly side of New York State Route 22 S13°46'00"W 384.00 feet, to the point of beginning.

Containing 1.88 acres of land and shown as Parcel 2 on a map entitled: "Proposed Lot Mergers Property of Fire District No. 1, The Town of Austerlitz & 49 East Houston Street Corporation, Town of Austerlitz, Columbia County, N.Y.", made by Daniel J. Russell, L.S. No. 050639, dated May 18, 2009.

S 4. The replacement lands to be dedicated by the town of Austerlitz, Columbia county to use as parkland for public park purposes are located in the town of Austerlitz, Columbia county comprise a total of 3.00 acres more or less and particularly described as follows:

Beginning at an iron rod recovered, said iron rod recovered is the northwesterly corner of lands of Austerlitz Lutheran Church and is the northeasterly corner of the herein described parcel, all as shown on the below mentioned map; thence along lands of Austerlitz Lutheran Church S10°51'48"W 225.68 feet, S02°58'27"W 150.00 feet to an iron rod recovered, S85°54'36"E 84.50 feet to an iron rod recovered and S02°06'42"E 125.69 feet to an iron rod recovered; thence along other lands of 49 East Houston Street Corporation N85°54'36"W 319.67 feet to an iron rod set and N00°31'30"W 477.39 feet to an iron rod recovered; thence along lands of The Town of Austerlitz (Parcel 3) N89°25'00"E 247.52 feet; thence continuing along lands of The Town of Austerlitz (Parcel 2) N89°25'00"E 37.13 feet to the point of beginning.

Containing 3.00 acres of land and shown as Parcel 4 on a map entitled: "Proposed Lot Mergers Property of Fire District No. 1, The Town of Austerlitz & 49 East Houston Street Corporation, Town of Austerlitz, Columbia County, N.Y.", made by Daniel J. Russell, L.S. No. 050639, dated May 18, 2009.

S 5. In the event that the parklands to be dedicated by the town of Austerlitz pursuant to this act are not equal to or greater than the fair market value of the parkland to be discontinued, the town of Austerlitz shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or for capital improvements to existing park and recreational facilities.

S 6. The discontinuance and conveyance of parkland authorized by the provisions of this act shall not occur until the town of Austerlitz has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of interior that the alienation or conversion complies with all conditions which the secretary of interior deems necessary to assure the substitution of other lands shall be equivalent in fair market and recreational usefulness to the lands being alienated or converted.

S 7. This act shall take effect immediately.